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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,891	02/28/2002	Paul Kitson	KPG-5041US	8477
31344	7590	04/06/2004	EXAMINER	
RATNERPRESTIA			CHU, JOHN S Y	
P.O. BOX 1596			ART UNIT	PAPER NUMBER
WILMINGTON, DE 19899			1752	
DATE MAILED: 04/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/087,891

Applicant(s)

KITSON ET AL

Examiner

John S. Chu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,16 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 3-15,17-29 and 33-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

This Office action is in response to the amendment filed January 12, 2004.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 16, 30, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over VAN DAMME et al'005.

The claimed invention is drawn to an imageable element comprising, in order a substrate having a hydrophilic surface, an underlayer comprising a first polymeric material over the hydrophilic surface, and a top layer comprising a second polymeric material over the underlayer, in which: the second polymeric material is crosslinked;; the top layer is ink receptive and insoluble in an alkaline developer; the top layer and the underlayer are each removable by the alkaline developer following thermal exposure of the element; and the element comprises a photothermal conversion material.

VAN DAMME et al discloses a photosensitive element for lithographic printing plates comprising on a support having a hydrophilic surface a photosensitive layer and a thermosensitive layer wherein the thermosensitive layer may be crosslinked. This disclosure meets the claimed imageable element, see column 3, lines 20-30 of VAN DAMME et al.

VAN DAMME et al fails to explicitly disclose a crosslinked top layer in an example.

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It would have been *prima facie* obvious to one of ordinary skill in the art of photoimageable elements to crosslink the thermosensitive top layer as suggested by VAN DAMME et al and reasonably expect same or similar results for making high quality printing plates.

The arguments by applicant have been carefully considered, however for independent claims the scope of the claim remains *prima facie* obvious to the skilled artisan for the following reason(s): VAN DAMME et al '005 clearly teaches that the thermoplastic layer "may further be cross-linked to make the imaging element less prone to damage caused during handling of the imaging element." (column 3, lines 26-30), thus the skilled artisan is clearly directed to cross-link the thermoplastic top layer for the express purpose of making the element less prone to damage.

Further in light of the disclosure of VAN DAMME et al '005 and the language that is used in claim 1, 16 and 30 which generically claims that a "second polymeric material is crosslinked", the claims as presented are *prima facie* obvious to the skilled artisan.

VAN DAMME et al '005 fails to teach any of the specific types of material to be crosslinked as well as fails to provide the method of crosslinking the second polymeric material, thus the dependent claims as presented are not FINALLY rejected.

3. Claims 3-15, 17-29 and 33-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As stated in the previous paragraph, the specifics relating to the crosslinked ingredients and the method in which the ingredients are crosslinked are not explicitly disclosed and with no

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directed teaching in the reference to the type of ingredients and the method of crosslinking those ingredients, the dependent claims are objected as stated above.

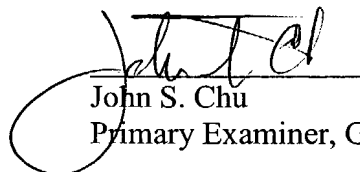
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (703) 308-2298. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
John S. Chu  
Primary Examiner, Group 1700

J.Chu  
April 2, 2004